

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
BECKLEY

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 5:14-00244

DONALD L. BLANKENSHIP

JUROR QUESTIONNAIRE

Please Print Your Name: _____

Your Juror Number: _____

Introduction:

This questionnaire is intended to make jury selection more efficient in an upcoming criminal case. The answers you give in the questionnaire will help the Court and counsel to determine whether you can or should serve as a juror in this particular trial. There are no correct or wrong answers. There are only your own personal, honest, and candid answers. To ensure that your answers are accurate and truthful, you are required to give your answers under oath. All information contained in this questionnaire will be kept confidential. The information you provide will be given only to the Judge, the Clerk's Office and the parties, and will be used solely for the purpose of selecting a jury in this case.

Between now and jury selection, please do not discuss this questionnaire, or your answers to it, with anyone, including other prospective jurors, or the lawyers for either side. In addition, please do not read any newspaper articles about this case or visit any locations at issue in this case. Do not assume that the questions show anything about what will be the evidence to be presented in this case, or that your answers will determine whether or not you will serve on this jury.

Answer each question as best you can. We are just asking you to say honestly what you think. Take your time. Please write or print clearly with a pen. If you need extra space to answer a question, you may continue an answer at the end of the questionnaire showing the number of the question being answered.

DESCRIPTION OF THE CASE

In this case, the defendant, Donald L. Blankenship, is charged in a three-count indictment with criminal offenses involving the violation of mandatory mine safety and health standards and making false and fraudulent statements to the Securities and Exchange Commission and others.

This trial could last up to four weeks. Today you are asked to fill out this questionnaire. Jurors will then return to court for voir dire (verbal questioning) and jury selection. It is likely that evidence will be presented from _____ to _____ Monday through Friday, except for holidays and other adjournments of trial.

Service on a jury is one of the highest duties that each citizen owes to his or her country and inconvenience or ordinary financial problems related to jury service will not be enough to excuse a prospective juror. Federal law forbids any employer from discharging or discriminating against an employee because of jury service.

JUROR QUESTIONNAIRE

[If your answer is longer than the space provided, please use the two blank pages attached at the end and do not write on the back of the pages unless you run out of space on the very last page.]

BACKGROUND

Name _____

1. Date of Birth _____ Age:_____ Male _____ Female _____
2. Where were you born? _____
3. What town do you live in? _____
4. What county do you live in? Boone Clay Jackson Kanawha Lincoln
 Logan Mingo Nicholas Putnam Roane
 Cabell Wayne Mason
5. How long have you lived in this county? _____
6. Where else have you lived (city, state or country, if outside the United States)?

7. Are you a citizen of the United States? Yes_____ No_____

8. Can you read and understand the English language?

Yes ____ No ____

IF NO: Has anyone read and explained this questionnaire to you, or assisted you in answering these questions in any way?

Yes ____ No ____

9. There is a possibility that this trial could last up to four weeks. Jury service would be required from ___ AM to ___ PM, Monday through Friday, and you would have to be present for every session at the direction of the court. Do you have a medical condition that would prevent you from sitting for such length of time?

Yes ____ No ____

IF YES: please describe. _____

10. Do you have family obligations, such as caring for small children or relatives who are ill or infirm, or any other problem of any kind that might make it difficult for you to serve as a juror for up to four weeks?

Yes ____ No ____

11. Length of time at current address: _____ years

Do you live: (Please check all that apply)

- In a single-family house (own ____ rent ____)
 Apartment (own ____ rent ____)
 With family
 With friends
 Other (please explain): _____

If less than one year at current address, please indicate prior county, city or town:

12. What is your marital status?

- Married
 Single and never married

- Divorced, not remarried
- Divorced, remarried for ____ years
- Living with non-marital mate ____ years
- Widowed/widower married in the past for ____ years
- Other

How many times have you been married? _____

13. Please describe briefly the employment status of your past and present spouse(s) and/or domestic partner(s), including their occupations and employers:

14. What is the educational background of your spouse or domestic partner? _____

15. What clubs or social, professional, political or religious organizations do you belong to (for example, service clubs, churches or church groups, organizations for a particular trade or profession, volunteer activities, hunting or shooting clubs, political groups, neighborhood groups, or other similar groups)?

16. What leadership positions have you held within any of those groups or organizations?

17. What hobbies or non-work activities do you enjoy?

18. Do you identify politically with:

- Conservatives
- Moderates

Liberals
 Other

Explain: _____

19. How do you usually get your news? (Please check all that apply):

Newspaper(s) (which) _____
 Radio, including talk radio (which programs) _____
 Television (which stations) _____
 Magazines (which) _____
 Internet (which sites) _____
 Word of mouth

How many times per week do you read about/listen to the news? _____

Do you subscribe to and or log on to any websites (blogs, discussion groups, chat rooms) or do you have your own blog or personal website? Yes No

IF YES: please describe: _____

20. Have you ever written a letter to the editor of a magazine or newspaper or a comment in response to a story on an Internet version of a magazine or newspaper?

Yes No

IF YES: What was the subject of the letter or comment?

21. What television shows do you regularly watch? _____

22. Is your opinion of mine safety laws and regulations:

Favorable ____ Unfavorable ____ No opinion ____

23. Is your opinion of environmental regulations:

Favorable ____ Unfavorable ____ No opinion ____

24. Have you followed particular crime stories or criminal cases in the news, or on television programs?

Yes ____ No ____

IF YES: what cases or stories, or programs? _____

What was your interest in those cases, stories or programs? _____

EDUCATION

25. What is the highest level of education you completed?

- | | |
|---|--|
| <input type="checkbox"/> Grade school or less | <input type="checkbox"/> Some college |
| <input type="checkbox"/> Some high school | <input type="checkbox"/> Associate's degree |
| <input type="checkbox"/> High school graduate | <input type="checkbox"/> Bachelor's degree |
| <input type="checkbox"/> Technical or business school | <input type="checkbox"/> Postgraduate degree |

Please list any degrees or certificates you may have, the schools and colleges you attended, and your major areas of study. _____

26. What special training or skills do you have? _____

27. Have you ever taken courses or had any training in any of the following subjects? _____

- | | |
|--|---|
| <input type="checkbox"/> Law | <input type="checkbox"/> Mine Engineering |
| <input type="checkbox"/> Mine Safety | <input type="checkbox"/> Law Enforcement |
| <input type="checkbox"/> Criminology | <input type="checkbox"/> Sociology |
| <input type="checkbox"/> Human Behavior | <input type="checkbox"/> Business |
| <input type="checkbox"/> Labor Relations | |

Please describe the course(s) or training: _____

WORK HISTORY

28. What is your current job status?

- | | |
|--|--|
| <input type="checkbox"/> Working full-time | <input type="checkbox"/> Unemployed not looking for work |
| <input type="checkbox"/> Working part-time | <input type="checkbox"/> Unemployed looking for work |
| <input type="checkbox"/> Disabled | <input type="checkbox"/> Homemaker |
| <input type="checkbox"/> Retired - when? _____ | <input type="checkbox"/> Full-time student |
| <input type="checkbox"/> Never employed | |

29. Please answer this question concerning your current employment, or, if you are retired, unemployed, a homemaker, or a full-time student, concerning your last job:

a. What company or organization do (did) you work for? _____

b. What do (did) you do at work? _____

c. How long have (had) you been employed in this particular position? _____

d. Does (did) your job include the responsibility of hiring/firing? Yes No

30. Do you have a second (or third or more) job? Yes No

IF YES: please describe:

31. Please list your previous three jobs and indicate how many years you worked in each one:

Employer	Dates	Job Title	Job Duties
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

32. Are you now or were you ever a member of a labor union? Yes ____ No ____

IF YES: What union? _____

Did you hold any office in the union? _____

33. Have you or any close friend or family member ever worked in the coal mining industry (this includes businesses that provide products, equipment, or services to coal mining companies; if multiple responses are needed, please use blank pages at end of questionnaire)?

Yes ____ No ____

IF YES:

Who worked in the mining industry? _____

For how long? _____

What was your/their specific job(s)? _____

What was the name of the mine/company? _____

Where was the mine/company located? _____

What type of mine/company? _____

34. Have you or a close friend or family member ever worked for Massey Energy Company or a subsidiary of Massey Energy Company?

Yes _____ No _____

35. Have you or a close friend or family member ever worked for Alpha Natural Resources or a subsidiary of Alpha Natural Resources?

Yes _____ No _____

36. Have you ever worked in a heavily regulated industry? Yes _____ No _____

37. Have you ever worked for a federal, state, or local government agency?

Yes _____ No _____

IF YES:

Gov't Agency	Dates	Job Duties

RELATIONSHIP TO PARTIES IN THIS CASE

38. Do you know, or have any connection with, any of the attorneys in this case or with any member of their offices?

UNITED STATES (United States Attorneys for the Southern District of West Virginia):

R. Booth Goodwin II	Yes _____	No _____
Steven R. Ruby	Yes _____	No _____
R. Gregory McVey	Yes _____	No _____
Gabriele Wohl	Yes _____	No _____
Any member of their offices	Yes _____	No _____

DEFENSE:

William L Taylor, III	Yes _____	No _____
Blair G. Brown	Yes _____	No _____
Eric R. Delinsky	Yes _____	No _____
R. Miles Clark	Yes _____	No _____
Steven N. Herman	Yes _____	No _____
The firm of Zuckerman Spaeder LLP	Yes _____	No _____
James A. Walls	Yes _____	No _____
Alex Macia	Yes _____	No _____
The firm of Spilman, Thomas & Battle, PLLC	Yes _____	No _____

IF YES: please explain: _____

39. Do you know anyone else at the Office of the United States Attorney for the Southern District of West Virginia, or have you had any dealings with that office?

Yes ____ No ____

IF YES: please explain: _____

40. The defendant in this case is Donald L. Blankenship, also known as Don Blankenship. Do you know, or think you may know, anything about him or members of his family?

Yes ____ No ____

IF YES: please explain: _____

EXPERIENCE WITH THE LEGAL SYSTEM

41. Have you, any members of your family or close personal friends ever been: (please check all that apply):

- the victim of a crime (whether or not it was reported to the police)
 a witness to a crime
 accused of or charged with a crime
 investigated for a crime

IF YES: please describe the situation. _____

If there was an arrest, what was the outcome? _____

If there was a trial, did you testify? Yes _____ No _____

Please describe any contact you had with police or courts as a result of this situation.

Were you satisfied with the way the matter was handled by law enforcement and/or the Court?

Yes _____ No _____

If you were not satisfied, please explain:

42. Have you ever been questioned in any matter by any federal law enforcement agency or agent (including the Department of Justice and the Federal Bureau of Investigation (FBI)).

Yes _____ No _____

IF YES: please explain:

43. Have you or any member of your immediate family or any close friends ever been involved in a civil lawsuit, either as a _____ witness, _____ plaintiff, or _____ defendant?

Yes _____ No _____

IF YES: please explain:

44. Have you, or do you expect to, become involved in any legal action or dispute with the United States, or any officers, agents, or employees of the United States?

Yes No

IF YES: please explain: _____

45. Do you have an opinion about the credibility of law enforcement officials?

Yes No

IF YES: Please explain: _____

46. Do you believe that law enforcement officers are more likely or less likely to tell the truth than other witnesses?

____ more likely ____ no difference ____ less likely

47. Do you have any impressions, opinions or beliefs about the Federal Bureau of Investigation (FBI), Department of Justice (DOJ), the Mine Safety and Health Administration (MSHA), or law enforcement agencies generally that could cause you to either lean in favor of the United States or to lean against the United States?

Yes No

IF YES: please explain: _____

48. Have you ever served as a grand juror in the past? Yes No

IF YES: How many times? _____
When? _____
Type of case(s): _____
Were you a foreperson? Yes No

49. Have you ever served as a trial juror in the past?

Yes No

IF YES: How many times? _____

When? _____

Type of case(s): _____

Did the case(s) reach a verdict? Yes No

IF NO: Was that because the jury could not agree on a verdict or because of some other reason?

Give reason: _____

How did you feel about your jury service? _____

Were you selected as the foreperson? _____

50. The Constitution says a defendant charged with a crime is presumed innocent and cannot be found guilty of the crimes with which he is charged unless the United States proves his guilt beyond a reasonable doubt. Are you willing to follow that law in this case and only find the defendant guilty if the United States proves his guilt beyond a reasonable doubt?

Yes No

51. The Constitution says a defendant has the right not to testify, and it shall not be held against him if he does not take the witness stand. How do you feel about this requirement? Please explain: _____

52. Would you tend to think that a person who did not testify was more likely to be guilty than not guilty?

Yes No

53. Are you concerned that witnesses who are facing criminal charges are more likely to lie to avoid punishment for their crimes?

Yes No

IF YES: please explain: _____

CASE RELATED ISSUES

54. What have you seen, heard or read about this case or any of the people involved in it, other than what the Judge told you in her opening remarks? Please explain:

Source(s)? _____

What was your personal reaction to what you saw, heard or read? _____

55. Have you participated in any conversations or discussions about the case with anyone with knowledge of the facts or circumstances, or opinions about what the outcome should be?

Yes ____ No ____

IF YES: please explain: _____

56. Do you have any particular experiences, feelings or beliefs that might influence you as a juror in a case where someone died while working in a mine?

Yes ____ No ____

IF YES: please explain: _____

57. Have you expressed an opinion or impression as to the guilt or innocence of the defendant at any prior time?

Yes ____ No ____

58. Has anyone spoken with you, or indirectly tried to contact you, at any time, including today, about the case?

Yes ____ No ____

59. Have you overheard anything about the case?

Yes ____ No ____

If so, what did you hear: _____

60. Based on what you have seen, read or heard, please tell us what feelings or opinions you may have formed about this case, the charges or the defendant, Donald L. Blankenship.

a. Would you be able to set those feelings aside and, if chosen as a juror, decide the case solely on the law and the evidence presented at trial?

Yes ____ No ____

b. Have you formed an opinion regarding the guilt or innocence of the defendant, based on what you have seen, read or heard?

Yes ____ No ____

c. What is that opinion? _____

d. Would you be able to set that opinion aside, and, if chosen as a juror, decide the case solely on the evidence and law and evidence presented to you at trial?

Yes ____ No ____

61. Do you know any reason whatsoever why you could not sit on a jury in a case involving the defendant, Donald L. Blankenship?

Yes No Not Sure

IF YES or NOT SURE, please explain: _____

62. Would the nature of the charges affect your ability to be a fair and impartial juror?

Yes No Not Sure

63. Is there any additional information not asked about in this questionnaire which you feel that the Judge and/or the attorneys should know about you before considering you for the jury in this case?

Yes No

IF YES: please explain: _____

64. Is there anything you would like to discuss privately that would have bearing on your being a juror?

Yes No

65. Do you know of any reason whatsoever why you cannot sit as a fair and impartial juror in this case?

Yes No

IF YES: please explain: _____

If necessary, please continue your answers to any questions on the attached blank pages.

Please give the number of each question that you are answering. Thank you.

EXTRA SPACE TO ANSWER QUESTIONS. DO NOT FORGET TO PUT THE QUESTION NUMBER IN FRONT OF EACH ANSWER THAT REQUIRED MORE SPACE.

Question No. _____

DECLARATION

I attest and affirm, under the penalty of perjury, that the answers set forth above are true and correct to the best of my knowledge.

Date

Signature